

CITY OF WILDOMAR CITY COUNCIL AGENDA

6:30 P.M. – SPECIAL MEETING

DECEMBER 12, 2016
Council Chambers
23873 Clinton Keith Road



Bridgette Moore, Mayor/Council Member-Elect, District 4
Timothy Walker, Mayor Pro Tem, District 3
Ben Benoit, Council Member, District 1
Bob Cashman, Council Member, District 2
Dustin Nigg, Council Member-Elect, District 2
Marsha Swanson, Council Member, District 5

Gary Nordquist
City Manager

Thomas D. Jex
City Attorney

PLEASE TURN ALL DEVICES TO VIBRATE/MUTE/OFF FOR THE DURATION OF THE MEETING. YOUR COOPERATION IS APPRECIATED.

CALL TO ORDER – SPECIAL SESSION - 6:30 P.M.

ROLL CALL

FLAG SALUTE

PUBLIC COMMENTS

SPECIAL PRESENTATION

Councilman Cashman will speak regarding his years of service in the community.

GENERAL BUSINESS

- 1.1 **Certification of November 8, 2016, General Municipal Election**
RECOMMENDATION: That the City Council adopt a Resolution entitled:

RESOLUTION NO. 2016 - 58
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 8, 2016, IN DISTRICT 2, DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW

PRESENTATIONS TO BOB CASHMAN

REFRESHMENT BREAK

RECONVENE THE SPECIAL MEETING

SWEAR IN NEW COUNCIL MEMBERS

Swearing in of Council Members-Elect Dustin Nigg, District 2, Bridgette Moore, District 4.

ADJOURN THE CITY COUNCIL

If requested, the agenda and backup materials will be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans With Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

Any person that requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting, may request such modification, accommodation, aid or service by contacting the City Clerk either in person or by phone at 951/677-7751, no later than 10:00 a.m. on the day preceding the scheduled meeting.

I, Debbie A. Lee, Wildomar City Clerk, do certify that on December 9, 2016, by 5:00 p.m., a true and correct copy of this agenda was posted at the three designated posting locations:

Wildomar City Hall, 23873 Clinton Keith Road;
U.S. Post Office, 21392 Palomar Street;
Wildomar Library, 34303 Mission Trail Blvd.



Debbie A. Lee, CMC, City Clerk

CITY OF WILDOMAR – COUNCIL
Agenda Item #1.1
SPECIAL ORDER OF BUSINESS
Meeting Date: December 14, 2016

TO: Mayor and City Council Members
FROM: Debbie A. Lee, City Clerk
SUBJECT: Certification of November 8, 2016 General Municipal Election

STAFF REPORT

RECOMMENDATION:

That the City Council adopt a Resolution entitled:

RESOLUTION NO. 2016 - 58

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, RECITING THE FACT OF THE GENERAL MUNICIPAL
ELECTION HELD ON NOVEMBER 8, 2016, IN DISTRICT 2,
DECLARING THE RESULT AND SUCH OTHER MATTERS AS
PROVIDED BY LAW

BACKGROUND:

The City of Wildomar consolidated the City's Fourth General Municipal Election with the County of Riverside. The election was held on Tuesday, November 8, 2016, for the purpose of electing one Council Member in District 2 for a full term of four years, and one Council Member in District 4 for a full term of four years.

DISTRICT 2

Councilman Cashman currently holds the seat in District 2. As you are aware he announced he would not seek re-election. At the end of the Nomination Period we did have two candidates qualify to run, Dustin Nigg and Linda Gonzales. After the last day to withdraw your name from the race the City Clerk's Office received notice from Ms. Gonzales that she would not be able to run due to health issues. However it was too late to withdraw her name and allow the Council act to appoint the only other candidate and cancel the election, so the election was held.

The County of Riverside Registrar of Voters Office certified the election on December 6, 2016, and was received by email on the same day, and by regular mail on December 9, 2016. The official results are:

Member of the City Council, District 2:

Dustin Nigg – 1423
Linda Gonzales - 761

At this time the City Council will need to certify the election results as approved by the voters of Wildomar by adopting Resolution No. 2016-58.

DISTRICT 4

Councilwoman Moore currently holds the seat in District 4. She did go through the process to become a candidate, and she did qualify. At the end of the Nomination Period she was the only candidate in that District. This meant that the City Council could appoint Councilwoman Moore and cancel the election in District 4. A special Council meeting was called on August 24, 2016 to determine this.

At the special meeting Councilwoman Moore recused herself from the dais and the remaining four Council Members adopted Resolution No. 2016-51 which appointed Councilwoman Moore and cancelled the election in District 4. In accordance with that Resolution it is now time for her to take the Oath of Office.

FISCAL IMPACT:

\$35,000 has been budgeted for the election. The City has not received the invoice from the County as of the printing of this report, however at the time of printing the budget the City still held elections At-Large. Now that we are in Districts, and only one District had an election, it is unknown what the cost will be as this is our first District election. Staff has estimated the cost to be \$6,000.

Submitted by:
Debbie A. Lee, CMC
City Clerk/HR Manager

Approved by:
Gary Nordquist
City Manager

ATTACHMENTS:

Resolution No. 2016 - 58
Certificate of Registrar of Voters (Official canvass)
Resolution No. 2016 - 51

RESOLUTION NO. 2016 - 58

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 8, 2016, IN DISTRICT 2, DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW

WHEREAS, a General Municipal Election was held and conducted in the City of Wildomar, California, on Tuesday, November 8, 2016 in District 2, as required by law; and

WHEREAS, notice of the election was given in time, form and manner as provided by law; that voting precincts were properly established; that election officers were appointed and that in all respects the election was held and conducted and the votes were cast, received and canvassed and the returns made and declared in time, form and manner as required by the provisions of the Elections Code of the State of California for the holding of elections in General Law cities; and

WHEREAS, the County Election Department canvassed the returns of the election and has certified the results to this City Council, the results are received, attached and made a part hereof as "Exhibit A".

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That the whole number of ballots cast in the precincts except vote by mail voter ballots was 738.

That the whole number of vote by mail voter ballots cast in the City was 1719, making a total of 2457 ballots cast in the City.

SECTION 2. That the names of persons voted for at the election for Member of the City Council in District 2 are as follows:

Dustin Nigg
Linda Gonzales

SECTION 3. That the number of votes given at each precinct and the number of votes given in the City to each of the persons above named for the respective office for which the persons were candidates were as listed in Exhibit "A" attached.

SECTION 4. The City Council does declare and determine that:

Dustin Nigg was elected as Member of the City Council in District 2 for the full term of four years.

SECTION 5. The City Clerk shall enter on the records of the City Council of the City, a statement of the result of the election, showing: (1) The whole number of ballots cast in the City; (2) The names of the persons voted for; (3) The number of votes given at each precinct to each person; (4) The total number of votes given to each person.

SECTION 6. That the City Clerk shall immediately make and deliver to each of the persons so elected a Certificate of Election signed by the City Clerk and authenticated; that the City Clerk shall also administer to each person elected the Oath of Office prescribed in the Constitution of the State of California and shall have them subscribe to it and file it in the office of the City Clerk. Each and all of the persons so elected shall then be inducted into the respective office to which they have been elected.

SECTION 7. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 12th day of December, 2016.

Bridgette Moore
Mayor

APPROVED AS TO FORM:

ATTEST:

Thomas D. Jex
City Attorney

Debbie A. Lee, CMC
City Clerk



REBECCA SPENCER
Registrar of Voters

ART TINOCO
Assistant Registrar of Voters

REGISTRAR OF VOTERS
COUNTY OF RIVERSIDE

December 6, 2016

RECEIVED

Debbie A. Lee
City of Wildomar
23873 Clinton Keith Road, Suite 201
Wildomar, CA 92595

DEC 09 2016
CITY OF WILDOMAR
CITY CLERK'S OFFICE

Dear Ms. Lee:

Enclosed is our certificate to the results of the canvass of election returns for your Consolidated Presidential General Election held on November 8, 2016.

The Certificate of Election forms were given to you at the seminar in June. An invoice for services rendered will be mailed to you under a separate cover. Please let me know if I can be of any further assistance.

Sincerely,

REBECCA SPENCER
Registrar of Voters

Rachel Rathbone
Chief Deputy Registrar of Voters

Enclosures



REBECCA SPENCER
Registrar of Voters

ART TINOCO
Assistant Registrar of Voters

**REGISTRAR OF VOTERS
COUNTY OF RIVERSIDE**

**CERTIFICATE OF REGISTRAR OF VOTERS
TO THE RESULTS OF THE CANVASS OF ELECTION RETURNS**

State of California)
) ss.
County of Riverside)

I, **REBECCA SPENCER**, Registrar of Voters of said County, do hereby certify that, in pursuance of the provisions of Sections 15301, 15372, and 15374 of the California Elections Code, and the resolution adopted by the City Council, I did canvass the returns of the votes cast on November 8, 2016, as part of the Consolidated Presidential General Election in the

CITY OF WILDOMAR

and I further certify that the statement of votes cast, to which this certificate is attached, shows the whole number of votes for each candidate for elective office at said election, in said City, and in each precinct therein, and that the totals as shown for each candidate are full, true, and correct.

Dated this 6th day of December 2016.



REBECCA SPENCER
Registrar of Voters

Rachel Rathbone
Chief Deputy Registrar of Voters

RESOLUTION NO. 2016 - 51

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, PROVIDING FOR THE APPOINTMENT TO THE OFFICES OF THIS CITY THAT WERE TO BE ELECTED ON TUESDAY, NOVEMBER 8, 2016 IN DISTRICT 4

WHEREAS, pursuant to § 10229 of the Elections Code of the State of California, as of the close of the nomination period on August 12, 2016, in District 4, there are not more candidates than offices to be elected and that § 10229 of the Elections Code allows one of the following courses of action to be taken by the City Council:

1. Appoint to the office the person who has been nominated.
2. Appoint to the office any eligible voter if no one has been nominated.
3. Hold the election if either no one or only one person has been nominated.

WHEREAS, the City Clerk's certification that there were not more candidates than offices to be elected in District 4 was submitted to the City Council and is attached as Exhibit A; and

WHEREAS, a notice was published on August 18, 2016 in a newspaper of general circulation pursuant to law and is attached as Exhibit B.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to § 10229 of the Elections Code of the State of California, the following action is being taken:

In **District 4** the following person is being appointed to the office to which she was nominated, and is considered to be the same as being elected, pursuant to § 10229(a)(3) of the Elections Code.

NAME	OFFICE	TERM
Bridgette Moore	Member of the City Council	Full 4 Year Term

SECTION 2. The election scheduled to be held in District 4 on Tuesday, November 8, 2016, is now canceled.

SECTION 3. The person appointed shall qualify and take office and serve exactly as if elected at a municipal election for the office.

SECTION 4. That the City Clerk shall certify to the passage and adoption of this

resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 24th day of August, 2016.



By: Timothy Walker
Mayor Pro Tem

APPROVED AS TO FORM:

ATTEST:



Thomas D. Jex
City Attorney



Debbie A. Lee, CMC
City Clerk

**CITY CLERKS CERTIFICATION THAT THERE ARE NOT MORE CANDIDATES
THAN OFFICES TO BE ELECTED**

I, Debbie A. Lee, City Clerk of the City of Wildomar, California, do hereby certify that pursuant to § 10229, Elections Code of the State of California, to the following facts relating to the General Municipal Election to be held on Tuesday, November 8, 2016:

In **District 4**, as of the close of the nomination period on August 12, 2016, there are not more candidates than offices to be elected.

The person so nominated is: Bridgette Moore.

That § 10229 of the Elections Code allows one of the following courses of action to be taken by the City Council:

1. Appoint to the office the person who has been nominated.
2. Appoint to the office any eligible voter if no one has been nominated.
3. Hold the election if either no one or only one person has been nominated.

A notice of these facts will be published on August 18, 2016, in a newspaper of general circulation in the city pursuant to § 6061 of the Government Code. After the fifth day following the date of publication, the City Council will meet to either make the appointment or direct an election to be held. The person appointed shall qualify and take office and serve exactly as if elected at a municipal election for the office.

If, by the 75th day before the municipal election, no person has been appointed to the office pursuant to (1) or (2) above, the election shall be held.

If the City Council makes an appointment pursuant to § 10229, Elections Code, the City Clerk shall not accept for filing any statement of write-in candidacy which is submitted after the appointment is made.



Debbie A. Lee, CMC
City Clerk

NOTICE THAT THERE ARE NOT MORE CANDIDATES THAN OFFICES TO BE ELECTED AT THE NOVEMBER 8, 2016 GENERAL MUNICIPAL ELECTION FOR THE CITY OF WILDOMAR

NOTICE IS HEREBY GIVEN that pursuant to § 10229 of the Elections Code of the State of California relating to the General Municipal Election in the City of Wildomar, California to be held on Tuesday, November 8, 2016:

In **District 4**, as of the close of the nomination period on August 12, 2016, there are not more candidates than offices to be elected.

The person so nominated is: Bridgette Moore.

That § 10229 of the Elections Code allows one of the following courses of action to be taken by the City Council:

1. Appoint to the office the person(s) who has/have been nominated.
2. Appoint to the office any eligible voter if no one has been nominated.
3. Hold the election if either no one or only one person has been nominated.

The City Council will hold a special meeting on Wednesday, August 24, 2016, at 6:30 p.m. at the City of Wildomar Council Chambers, 23873 Clinton Keith Road, Suite 106, Wildomar, CA to either make the appointment or direct an election to be held. The person appointed, if any, shall qualify and take office and serve exactly as if elected at a municipal election for the office.

If, by the 75th day before the municipal election, no person has been appointed to the office pursuant to (1) or (2) above, the election shall be held.

If the City Council makes an appointment pursuant to § 10229, Elections Code, the City Clerk shall not accept for filing any statement of write-in candidacy which is submitted after the appointment is made.


Debbie A. Lee, CMC
City Clerk

Dated: August 12, 2016

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)
CITY OF WILDOMAR)

I, Debbie A. Lee, CMC, City Clerk of the City of Wildomar, California, do hereby certify that the foregoing Resolution No. 2016 – 51 was duly adopted at a regular meeting held on August 24, 2016, by the City Council of the City of Wildomar, California, by the following vote:

AYES: Council Members Benoit, Cashman, Swanson, Mayor Pro Tem Walker

NOES: None

ABSTAIN: Mayor Moore

ABSENT: None



Debbie A. Lee, CMC
City Clerk
City of Wildomar